



APPEALING THE IMMIGRATION JUDGE'S DECISION

Board of Immigration Appeals

If the Immigration Judge denies your case, you can appeal to the Board of Immigration Appeals. The judge will give you a Notice of Appeal and a Fee Waiver if you cannot pay the fee. **The Board of Immigration Appeals must receive your Notice of Appeal and \$110 fee or Fee Waiver Request within 30 days of the Immigration Judge's decision** (see sample fee waiver in Appendix). You must send in your Notice of Appeal on time or you will lose your right to appeal. Send your Notice of Appeal and Fee Waiver Request to:

Board of Immigration Appeals
Office of the Chief Clerk
5107 Leesburg Pike, Suite 2000
Falls Church, VA 20530-0001

Telephone: 703-605-1007

On the Notice of Appeal, list the reasons why the decision of the Immigration Judge was incorrect. List the mistakes in the law and the mistakes in the facts that the Judge made. Also state that you will file a brief in support of your appeal. Send a copy of the Notice of Appeal and Fee Waiver to District Counsel. The address is on page 21.

If you appeal your case, the Immigration Service cannot remove you from the U.S. Appeals are complicated, and require written explanations. Having a lawyer helps. After filing your Notice of Appeal, you will receive a written record of the hearing and will have time to write out reasons why the Immigration Judge's decision was incorrect and why you should not be deported.

Federal Court Appeal

If you lose your appeal to the Board of Immigration Appeals, you may be able to appeal to the First Circuit Court of Appeals but the rules are complicated. It is a good idea to hire a lawyer. File a Petition for Review with the First Circuit within 30 days of the Board of Immigration Appeals decision. You must ask for a Stay to stop your deportation during the appeal. Send the original Petition (and 3 copies), the Board of Immigration Appeals decision, a stay request and filing fee of \$250 (or Fee Waiver Request) to:

First Circuit Court of Appeals
One Court House Way, Suite 2500
Boston, MA 02210

Telephone: 617-748-9057.